

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSE CORPORATION,

Plaintiff,

v.

SDI TECHNOLOGIES, INC., IMATION
CORPORATION, MEMOREX PRODUCTS,
INC., 3XM Consulting, LLC, and D.P.I. INC.,

Defendants.

Civil Action No. _____

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

For its Complaint, plaintiff alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Bose Corporation (“BOSE”) is a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at The Mountain, Framingham, MA, within this judicial District.

2. Defendant SDI Technologies, Inc. (“SDI”) is, upon information and belief, a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at 1299 Main St., Rahway, NJ.

3. Defendant Imation Corporation is, upon information and belief, a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at 1 Imation Way, Oakdale, MN.

4. Defendant Memorex Products, Inc. (“Memorex”) is, upon information and belief, a corporation organized and existing under the laws of the State of California and having its principal place of business at 17777 Center Court Drive, Suite 800 Cerritos, CA.

5. Defendant 3XM Consulting, LLC, formerly known as “Xtreme Accessories, LLC”, and also known as and doing business as “XtremeMac Accessories, LLC” (“XtremeMac”) is, upon information and belief, a corporation organized and existing under the laws of the State of Florida and having its principal place of business at 4416 Stone Ridge Way, Weston, FL.

6. Upon information and belief, Memorex and XtremeMac are wholly owned subsidiaries of Imation Corporation and brands through which Imation Corporation operates (and collectively, all three companies are referred to as “IMATION”).

7. Defendant D.P.I. Inc., also known as and doing business as “DPI, Inc.” and “Digital Products International, Inc.” (“DPI”) is, upon information and belief, a corporation organized and existing under the laws of the State of Missouri and having its principal place of business at 900 N.23rd St., Saint Louis, MO.

8. This infringement action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Upon information and belief, defendant SDI resides in this judicial District pursuant to 28 U.S.C. §1391(c), and venue in this judicial District is proper under 28 U.S.C. §§1391(c) and 1400(b) as to Defendant SDI.

10. Upon information and belief, defendant IMATION resides in this judicial District pursuant to 28 U.S.C. §1391(c), and venue in this judicial District is proper under 28 U.S.C. §§1391(c) and 1400(b) as to Defendant IMATION.

11. Upon information and belief, defendant DPI resides in this judicial District pursuant to 28 U.S.C. §1391(c), and venue in this judicial District is proper under 28 U.S.C. §§1391(c) and 1400(b) as to Defendant DPI.

THE PATENT-IN-SUIT

12. Plaintiff BOSE is a global leader in the research and development, manufacture, and sale of high quality sound systems. BOSE currently markets and sells a line of SoundDock® products, which are remote-controlled speaker systems that couple to MP3 music players.

13. Plaintiff BOSE is the owner by assignment of United States Patent No. 7,277,765 (“the ’765 Patent”), entitled “Interactive Sound Reproducing.” The ’765 Patent was duly and legally issued by the United States Patent and Trademark Office (“PTO”) to Paul E. Beckmann, Santiago Carvajal, and Christopher H. Perry on October 2, 2007, a copy of which is attached hereto as Exhibit A.

14. The award-winning SoundDock® products incorporate the patented technology in the ’765 Patent.

COUNT 1
INFRINGEMENT OF U.S. PATENT NO. 7,277,765 BY SDI

15. Plaintiff BOSE re-alleges and incorporates herein by reference the allegations set forth in paragraphs 1-14 of this Complaint.

16. Defendant SDI manufactures and sells consumer electronics, including remote-controlled speaker systems for coupling to MP3 music players, which are marketed under its

“iHome” brand. Such speaker systems include at least the IH11, IH12, IH26, IH27, IH31, IH36, IH41, IH51, IH52, IH55, IH5, IH6, IH7, IH70, IH80, IH85, IH8, IH9, IHM9, IP41, IP47, IP71, IP99, IP9, ZN9, IP1, and IP27 models (the “iHome Speaker Systems”).

17. Upon information and belief, Defendant SDI, through its manufacture, use, offering for sale, sale, and/or importation of iHome Speaker Systems and other like models has infringed the '765 patent, directly, contributorily, and/or by inducing others to infringe in this judicial District and elsewhere, and will continue to infringe unless enjoined by this Court.

18. Defendant SDI has known of the '765 patent since at least December, 2008.

19. Upon information and belief, defendant SDI's infringement of the '765 patent is willful, wanton and in deliberate disregard of plaintiff BOSE's rights under the '765 patent.

20. Plaintiff BOSE has been irreparably harmed by defendant SDI's infringement to an extent not yet determined, and will continue to be irreparably harmed in the future unless defendant SDI is enjoined from its infringing activities by this Court.

COUNT 2
INFRINGEMENT OF U.S. PATENT NO. 7,277,765 BY IMATION

21. Plaintiff BOSE re-alleges and incorporates herein by reference the allegations set forth in paragraphs 1-14 of this Complaint.

22. Defendant IMATION manufactures and sells consumer electronics, including remote-controlled speaker systems for coupling to MP3 music players. Such speaker systems are marketed under its “Memorex” brand, including at least the MI1111, MI2001, MI2032, MI3005, MI3020, MI4004, MI4014, MI2013, and MI1200 models, and also marketed under its “XtremeMac” brand (collectively, the “IMATION Speaker Systems”).

23. Upon information and belief, defendant IMATION through its manufacture, use, offering for sale, sale, and/or importation of IMATION Speaker Systems and other like models

has infringed the '765 patent, directly, contributorily, and/or by inducing others to infringe in this judicial District and elsewhere, and will continue to infringe unless enjoined by this Court.

24. Defendant IMATION has known of the '765 patent since at least December 2008.

25. Upon information and belief, defendant IMATION's infringement of the '765 patent is willful, wanton and in deliberate disregard of plaintiff BOSE's rights under the '765 patent.

26. Plaintiff BOSE has been irreparably harmed by defendant IMATION's infringement to an extent not yet determined, and will continue to be irreparably harmed in the future unless defendant Imation is enjoined from its infringing activities by this Court.

COUNT 3
INFRINGEMENT OF U.S. PATENT NO. 7,277,765 BY DPI

27. Plaintiff BOSE re-alleges and incorporates herein by reference the allegations set forth in paragraphs 1-14 of this Complaint.

28. Defendant DPI manufactures and sells consumer electronics, including remote-controlled speaker systems for coupling to MP3 music players, which are marketed under its "GPX", "iLive", and "Zlive" brands. Such speaker systems include at least the IBCD2817, IBCD3816, IBCD3817, IC2807, ICR6806, IHT3807, IHT3817, IKC6106, IS208, ISPK2806, IT188, IB318, IC609, IC618, IH319, IH328, IH818, IS809, ISP209, NS108, HI2817, IJ309, and IS608 models (collectively, the "DPI Speaker Systems").

29. Upon information and belief, defendant DPI, through its manufacture, use, offering for sale, sale, and/or importation of DPI Speaker Systems and like models has infringed the '765 patent, directly, contributorily, and/or by inducing others to infringe in this judicial District and elsewhere, and will continue to infringe unless enjoined by this Court.

30. Defendant DPI has known of the '765 patent since at least January 2009.

31. Upon information and belief, defendant DPI's infringement of the '765 patent is willful, wanton and in deliberate disregard of plaintiff BOSE's rights under the '765 patent.

32. Plaintiff BOSE has been irreparably harmed by defendant DPI's infringement to an extent not yet determined, and will continue to be irreparably harmed in the future unless defendant DPI is enjoined from its infringing activities by this Court.

PRAYER FOR RELIEF

WHEREFORE, plaintiff BOSE requests the following relief:

A. That this Court adjudge and decree that each of the defendants have infringed the '765 Patent under 35 U.S.C. § 271;

B. That this Court preliminarily and permanently enjoin each of the defendants and their officers, agents, servants, employees, representatives, successors, and assigns, and all others acting in active concert or participation with them, from continued infringement of the '765 Patent;

C. That this Court award plaintiff BOSE damages resulting from each of the defendants' infringement, including an accounting of all infringing sales not presented at trial and an award by the Court of any additional damages for any such infringing sales;

D. That this Court award plaintiff BOSE increased damages, including any damages awarded by the Court based upon an accounting of infringing sales not presented at trial, due to each of the defendants' willful infringement;

E. That this Court declare this to be an exceptional case within the meaning of 35 U.S.C. § 285;

F. That this Court award plaintiff BOSE its costs in this action, together with reasonable attorney's fees and pre-judgment and post-judgment interest; and

G. That this Court grant plaintiff BOSE such other relief as is just and proper.

JURY DEMAND

Plaintiff BOSE demands a trial by jury.

Dated: August 28, 2009

By: /s/ Mark J. Hebert

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